

## **REMARKS**

### **Status of Claims**

Claims 38, 46, 54-57, 66-71, 82-87, 89-93, 108-110, 119, 124, 126-128 and 131-162 are pending in the present application. Claims 89-93, 108-110, 131-135 and 141-146 are rejected. Claims 1-37, 39-45, 47-53, 58-65, 72-81, 88, 94-107, 111-118, 120-123, 125, 129, 130 have been cancelled.

By virtue of this response, claims 38, 66, 67, 82, 83, 91-92, 108-110, 133-134, 138-139, and 141-146 have been amended and claims 163-174 have been added. After entry of these amendments, claims 38, 46, 54-57, 66-71, 82-87, 89-93, 108-110, 119, 124, 126-128 and 131-174 will be pending.

### **Support for New Claims**

Support for claims 163-174 may be found in the application as filed. Support for claim 163 may be found, *e.g.*, on page 23, lines 25-27 of the application as filed. Support for claim 164 may be found, *e.g.*, on page 26, lines 12-14 and in Example 26 of the application as filed. Support for claim 165 may be found, *e.g.*, on page 24, lines 3-6 and in Example 26 of the application as filed. Support for claim 166 may be found, *e.g.*, on page 12, lines 24-29 and in the Examples. Support for claim 167 may be found, *e.g.*, on page 6, lines 9-10 and on page 12, lines 23-29. Support for claim 168 may be found, *e.g.*, on page 12, lines 23-29 and on page 18, line 17 to page 19, line 28. Support for claim 169 may be found, *e.g.*, on page 12, lines 23-29 and on page 18, line 17 to page 19, line 28. Support for claims 170-174 may be found, *e.g.*, on page 3, lines 17-19 and on page 13, lines 4-16.

### Claim Amendments

Applicants have made the following amendments.

Claims 38, 66 and 82 have been amended to recite “or an aminooxy protected form thereof.” Support for this amendment may be found throughout the specification, e.g., page 6, lines 10-11 and page 12, lines 23-29.

Claims 67 and 83 have been amended to recite “of” in place of “comprising.” This amendment more accurately recites the claimed conjugate.

Claims 91, 133 and 138 have been amended to recite the presence of a linker. Support for these claim amendments may be found, e.g., on page 12, lines 23-29 and on page 18, line 17 to page 19, line 28.

Claims 92, 134, and 139 have been amended to recite biologically active molecules comprising a carbonyl group of an aldehyde or ketone moiety. Support for these claim amendments may be found, e.g. on page 26, lines 17-22 and in the Examples, particularly examples 10 and 11.

Claims 108, 141, and 144 have been amended for clarity and recite “a conjugate.”

Claims 109, 142 and 145 have been amended to recite a conjugate wherein the biologically active molecule is a polypeptide comprising a terminal glyoxyl group. Support for these claim amendments may be found, e.g., on page 2, lines 25-28 and on page 28, line 20 to page 29, line 2.

Claims 110, 143 and 146 has been amended to recite a linker molecule comprising a carbonyl containing moiety. Support for this amendment may be found throughout the application as filed, e.g., on page 26, lines 17-20.

With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the patent office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application.

## **REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH**

Claims 89-93, 108-110, 131-135, 141-146 are rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that claims 89-93 and 131-135 are clear. Claim 89 and the dependant claims thereof (claims 90-93) recite a conjugate according to claim 46. Claim 46 recites a conjugate of a molecule of claim 38 and one or more biologically active molecules. The Examiner has asserted that if the valency platform molecule is entirely different from that of claim 38, it is not clear as to how one would prepare the conjugate recited in claim 89. However, Applicants assert that by virtue of the claim dependency of claim 89, Applicants have imported the subject matter of claim 46 into claim 89. Hence, the method recited in claim 89 is with respect to the conjugate of claim 46, and the valency platform molecule of claim 38. Claim 89 does not recite the method of making any conjugate, but does recite the method of making the conjugate according to claim 46. As stated by the Examiner, it is not difficult to see how the conjugate (using the valency platform molecule of claim 38) is to be prepared. Applicants assert that claim 89 and the dependant claims thereof are clear. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112 second paragraph of claims 89-93.

Similarly, claim 131 and the dependant claims thereof (claims 131-135) recite a conjugate according to claim 67. Claim 67 recites a conjugate of a molecule of claim 66 and one or more biologically active molecules. The Examiner has implied that if the valency platform molecule is entirely different from that of claim 66, it is not clear as to how one would prepare the conjugate. However, Applicants assert that by virtue of the claim dependency of claim 131, Applicants have imported the subject matter of claim 67 into claim 131. Hence, the method recited in claim 131 is with respect to the conjugate of claim 67, and valency platform molecule of claim 66. Claim 131 does not recite the method of making any conjugate, but does recite the method of making the conjugate according to claim 67. Applicants assert that claim 131 and the dependant claims thereof

are clear and respectfully request withdrawal of the rejection under 35 U.S.C. §112 second paragraph of claims 131-135.

Claim 108 has been amended to recite a conjugate and is dependant from claim 46. The amended claim dependency is proper. Applicants have also amended claim 108 for clarity. Claims 109-110 depend from claim 108 and have also been amended to recite a conjugate. Applicants assert that claims 108-110 as amended are clear. Applicants request withdrawal of the rejection under 35 U.S.C. §112 second paragraph of claims 108-110.

Claim 141 has been amended to recite a conjugate and is dependant from claim 67. The amended claim dependency is proper. Applicants have also amended claim 141 for clarity. Claims 142-143 depend from claim 141 and have also been amended to recite a conjugate. Applicants assert that claims 141-143 as amended are clear. Applicants request withdrawal of the rejection under 35 U.S.C. §112 second paragraph of claims 141-143.

Claim 144 has been amended to recite a conjugate and is dependant from claim 83. The amended claim dependency is proper. Applicants have also amended claim 144 for clarity. Claims 145-146 depend from claim 144 and have also been amended to recite a conjugate. Applicants assert that claims 144-146 as amended are clear. Applicants request withdrawal of the rejection under 35 U.S.C. §112 second paragraph of claims 144-146.


### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 252312007300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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